

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, OCTOBER 12, 2015

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, October 12, 2015 7:00pm. Opening prayer Reverend Diana L. Thompson. Welcome, Reverend.

2. Opening Prayer – Reverend Diana L. Thompson.

3. Pledge of Allegiance

4. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith, Kiesling, Peters and Werren. Thus having 7 in attendance.

5. Consideration

COUNCIL PRESIDENT PETERS: Thank you very much. May I have a motion and a second to approve as presented:

Council Meeting Minutes: September 28, 2015
Special Council Meeting Minutes: September 29, 2015
Committee of the Whole Minutes: October 5, 2015
Mayor's Court Receipts for September 2015

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes, to approve the above minutes and Mayor's court receipts.

COUNCIL PRESIDENT PETERS: Alright, thank you. At this time if you wish to address council please step forward state your name and address.

6. Recognition of Visitors

MELANIE J. ROLL: 308 Portage St. Good evening, its October we're in the mist of the political and election cycle. I believe Mayor Held and Mr. Foltz are running unopposed; the rest of you are all in contested races. I have read the Repository and Our Town your biographical information and what you hope to do for the city if you are elected. I did not see anything about the rental registration program that we've talked about off and on perhaps the last three years. If all of you, Mayor Held is absent but if you all of you that are going to be up for election perhaps at the end of the meeting during your report session if you would make it known if you are in opposition to having this kind of program or if you're in favor of it and why for either one. I don't think that's there's any forum, I don't know of any debate that's going on or any other kind of forum where citizens can ask as I'm asking in this venue instead. If you could help me out with that particularly the at-large people because we all vote for the at-large. Thank you.

GLEN SAYLOR: 340 Reed Ave NW. I come tonight to council to again speak about the appeal to city council under Ordinance 1177.11 of the Hoover south parking lot expansion. Prior to the September 28 council meeting Mayor Held swore in a new North Canton police officer part of the oath that policeman took was to uphold the ordinances of the City of North Canton. I'm assuming that councilmembers also take a similar oath. Hopefully that police officer lives up to his oath better than this council has. Because council spat on, trampled and disrespected Ordinance 1177.11 in every imaginable way. And that's not just my opinion because as Common Pleas Judge Farmer stated in her August 21 ruling "the court finds that North Canton City Council's dismissal of the appellants' appeal pursuant to Ordinance 1177.11 was unconstitutional, illegal, arbitrary, capricious and unreasonable." Yet council remains unrepentant as witnessed by your self-justifying words in Ordinance 60 which is item 13 on tonight's agenda. But regardless of how many Ordinance 60s this council passes the words unconstitutional, illegal, arbitrary, capricious and unreasonable are indelibly stained on each member of this council that marks you for life. As Mr. Peters was gracious enough to allow my extended remarks at the last council meeting I yield the remainder of my time. Thank you.

COUNCIL PRESIDENT PETERS: Thank you. If anyone else wishing to address council please step forward state your name and address. Alright, seeing none we will move onto old business. May I have a motion and a second to read by title only the third reading of Ordinance No. 46 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 46 – 2015.

7. Old Business

8. Ordinance No. 46 – 2015

Water, Sewer and Rubbish Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Fixed Base Water Meter Project, at a total cost not to exceed \$1,074,000.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Cerreta.

COUNCILMAN CERRETA: Yes, we've had some debate on this and some discussion and I've asked for some additional information for all of us. From what's been given to me I'm pretty satisfied with the information that's come my way and all of your way I'm sure. I'm in favor of just going ahead with this now as budgeted we've got the money for it. It's a good program that I see a benefit for in the future and then we can pay for this thing in good time with a decent amount of time. So I'm in favor and I'd like to approve and adopt.

COUNCILWOMAN KIESLING: I'll second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 46 – 2015.

ORDINANCE NO. 46 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Alright, thank you. May I have a motion and a second to table Ordinance No. 54 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to table Ordinance No. 54 - 2015

9. Ordinance No. 54 – 2015

Community and Economic Development Committee

An ordinance authorizing the Mayor of the City of North Canton to take all necessary actions to exchange portions of certain parcels of real estate with Michael Shuster.

AMENDED ORDINANCE NO. 54 – 2015 WAS TABLED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the second reading of Ordinance No. 57 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 57 – 2015.

10. Ordinance No. 57 – 2015

Finance and Property Committee

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Permit Fee Fund to the State Building Permit Fees Account in the amount of \$3,000.00 for the current expenses during the fiscal year ending December 31, 2015.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith.

COUNCILMAN GRIFFITH: As we know there's a portion of the permit fees that we collect each year that needs to go to the state by statute. And this is just the overage that we have to pay because we've collected more permits than we initially budgeted for. So always good news this is the kind of bill that we like to pay. So without other questions or concerns I move its adoption.

FINANCE DIRECTOR ALGER: I wanted to amend that amount to the \$4,700 if that would be possible.

COUNCILMAN GRIFFITH: You did that's right. Yeah, that's right Karen and I, I apologize, Karen and I did talk about this we actually had some additional permits that came in from across the street that Eric mentioned that it would be helpful to amend it now rather than throw it into next year. So I'll withdraw my motion to adopt and I will instead submit a motion to amend if the chair will allow...

COUNCIL PRESIDENT PETERS: So you want to amend to reflect...

COUNCILMAN GRIFFITH: I would amend the \$3,000 to \$4,700 and otherwise the language will remain the same.

LAW DIRECTOR FOX: I think it's sufficient the paragraph that she read the only thing that is changing is \$3,000 to \$4,700 I think if you ask for a roll call vote to amend 57 – 2015 changing the amount \$3,000 to \$4,700 and then adopt as amended and then follow that process.

COUNCIL PRESIDENT PETERS: Okay, so you move to amend.

COUNCILMAN GRIFFITH: I did.

COUNCIL PRESIDENT PETERS: Was there a second?

COUNCILMAN CERRETA: I will second.

Roll call vote of 7 yes to amend Ordinance No. 57 – 2015.

COUNCIL PRESIDENT PETERS: Okay, may I have a motion and a second to adopt the second reading of Ordinance No. 57 – 2015 as amended?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt the second reading of amended Ordinance No. 57 – 2015.

COUNCIL PRESIDENT PETERS: Alright, thank you. May I have a motion and a second to suspend the rules of council for three readings for Ordinance No. 57 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to suspend the rules of council for three readings for Ordinance No. 57 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinances No. 57 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt under suspension of the rules for Ordinance No. 57 – 2015.

ORDINANCE No. 57 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Alright, thank you. May I have a motion and a second to read by title the second reading of Ordinance No. 59 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 59 – 2015.

11. Ordinance No. 59 – 2015 Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a settlement agreement between the City and Zablo & Sons Building Corporation regarding a dispute over the foundation and construction of a proposed building located at 840 Easthill Street SE, North Canton, which caused the City to issue a notice of violation and file a complaint in the Canton Municipal Court, case number 2015CRB01881.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith.

COUNCILMAN GRIFFITH: This of course is the approval of the settlement agreement that was negotiated and has been put into force. I've been by the property it looks like substantially work has been done but I'd be happy I'm sure as we all would hear an update about where we are on the process and what future plans are.

LAW DIRECTOR FOX: I've seen what's been done so far. And of course anyone that's been out there has seen it, it appears that of course the wall is down, it's been graded. I'm not certain that it has been...

COUNCILWOMAN WERREN: It's seeded and it has straw on it.

LAW DIRECTOR FOX: Okay, then that's happened I looked at it I think it was Friday I saw and it hadn't been done. So it's been seeded my understanding is that they've had the inspection and the footer appears to be intact. There were no cracks as a result of frost damage; photos and so forth regarding the structure and that's from our inspector Don Walker. So since the seed and the straw is down hopefully we continue the sunshine and we'll get some grass to grow there. I did notice that there are some black plastic tubing that's kind of up and is an eyesore and some other tubing that's there and we'll certainly speak with them and ask if it can't be removed without damaging the understructure if there's some sort of you know covering or shrubbery or something like that so that you know the tubing just doesn't stick out of the grass that's there. But I do recommend that council pass this ordinance because in the agreement the city's already performed this portion of this. And that was because of the pending criminal action and as part of the agreement the city dismissed the complaint. The agreement was they were going to grade, remove the wall and of course seed it and without council approving the agreement then the city would be unable to enforce the agreement. So that's the big reason that even if it wasn't completed to the point that we wish it to be done we need the agreement itself, the contract to enforce it. One of the tools we have for enforcement.

COUNCILMAN GRIFFITH: That was... one of the counterintuitive piece as Doug pointed out last week or two weeks ago when we talked about this. That it's more advantageous for us to actually pass this versus waiting for it to be done in order for the performance piece in case of enforcement. So and at this point in time it looks like we've had good progress. We'll have to read it three times because of the zoning piece. So does anyone else have a comment or a thought?

COUNCILMAN FOLTZ: No, my only comment I'm happy that they performed a certain level but I agree with our law director I think they need to address those pipes coming out of the grade. What is the reason for that? And...

COUNCILWOMAN WERREN: I feel like the... are they still there Linda? The pipes are still there? I couldn't see the other night.

COUNCILMAN FOLTZ: Yeah, they're still there there's going to be grass growing around it.

LAW DIRECTOR FOX: We'll clear that up.

COUNCILMAN FOLTZ: We'll clear that up and come back before our third reading hopefully or...

COUNCIL PRESIDENT PETERS: Yeah.

COUNCILMAN FOLTZ: See what we need to do next.

COUNCILWOMAN WERREN: Yeah.

COUNCILMAN FONTE: Water, sewer, trash, whatever.

COUNCILMAN FOLTZ: Okay.

COUNCILMAN CERRETA: Okay.

COUNCILMAN GRIFFITH: Barring further comment I would move its adoption.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 59 – 2015.

ORDINANCE NO. 59 – 2015 WAS GIVEN SECOND READING.

12. New Business

COUNCIL PRESIDENT PETERS: Thank you. Onto new business may I have a motion and a second to read by title only the first reading of Ordinance No. 60 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 60 – 2015.

13. Ordinance No. 60 – 2015

Community and Economic Development Committee

An ordinance providing that, upon a close review of the entire record, North Canton City Council finds the Planning Commission's decision to approve a conditional use permit for the Hoover District South Parking Lot was not unconstitutional, illegal, arbitrary, capricious, or unreasonable, and was supported by preponderance of substantial, reliable and probative evidence on the entire record. Therefore, Council affirms the Planning Commission's decision to approve the permit.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Kiesling.

COUNCILWOMAN KIESLING: Yes, we have to either affirm the Planning Commission's recommendation, reverse it or amend it. At this point it really doesn't affirmation you either vote which way you would like to do that. However, you know as it was stated by affirming it we believe it was not unconstitutional, not illegal, not arbitrary, everything that was stated in the title of the ordinance and that we believe that you know that the Planning Commission met its due diligence regarding the issue of the conditional use for the Hoover parking lot. We went over every issue last week and we gave you all the minutes of the Planning Commission. All three meetings. So are there any other questions, concerns?

COUNCILMAN FONTE: So what happens; does it go back to Planning or what happens at this time?

COUNCILWOMAN KIESLING: No, we're the final say this is the hearing. It has to have three readings though and 30 days so it won't be final for a while but this is it. Alright, I motion we adopt.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes, 1 abstain to adopt the first reading of Ordinance No. 60 – 2015. Fonte abstained

LAW DIRECTOR FOX: If I may before we get into the next ordinance I just want to be clear that despite what Mr. Saylor had said the reason and just so everyone recalls the reason council did not have a third public hearing on the issue of the expansion of the parking lot is because there was a demand that council have this hearing. This appeal hearing and our charter prohibits that. Our charter stated that the Zoning Board of Appeal is the only one that hears these types of appeals. That is the reason that council denied the appeal went into some other issues regarding standing and so forth. But that was the fundamental reason is that council had no authority to hear this type of appeal. And the Common Pleas Court, the 5th District Court of Appeals and even the Ohio Supreme Court has recently looked at that very issue. If your charter states that one group or one individual has the authority to do this and you pass an ordinance that provides that authority to someone else the Supreme Court says that that would be illegal, arbitrary, capricious, unconstitutional. So that's the reason that council went forward initially. Here it's looking at what the Planning Commission had before it at its two public hearings. Did it have sufficient information to make its decision to make the recommendation for the parking lot expansion? If you believe that it did have sufficient information to make that decision then its decision wasn't arbitrary, capricious, unconstitutional. And I think it's actually in the ordinance that one of the most important parts in there is where at the first hearing the Planning Commission stated it didn't believe that there was sufficient information in there. And they ordered that the applicant go back and provide additional drawings, additional information and some other things that weren't required. The good neighbor suggestions of meetings with the residents that live nearby to talk to them about their concerns and show renditions about what they had plan to do so that when they came back four months later this was not fast-tracked, four months later they came back with new drawings and presented this again before the Planning Commission who again permitted public comments based upon the information before it. And at that point then with all that information then made the recommendation that they believe that it was going to be harmonious in area this is a large parking lot. You're adding a small amount of additional parking spaces. It didn't appeal that changed the character of the neighborhood. It demonstrated how many of the concerns were with storm water runoff and that what they were going to do was not cause more harm to the residents but actually fix this problem and that they were going to put in storm detention basins, they were going to regrade it put in curbs and gutters to direct the water away from the residential property. And in deed where we did have complaints before, before it was regraded it and this was done after that was done there wasn't a single complaint. There wasn't a single complaint that went to permits, engineering or to administration. And so if you read through this you'll see what's being proposed is simply that your belief that the Planning Commission had the information before it necessary to award this conditional use permit. We've been through the issue whether or not council approves conditional use permits. And shown that those were simply for similar use not for conditional use so it wasn't a requirement for council to approve that permit. So I think in looking at the totality of the circumstances all the things that were before the Planning Commission and at your appeal hearing you had the questions answered that you believe needed answered. If you believe there are more to be answered by all means state that you need more information but if in deed you believe that the Planning Commission had the information necessary to make its decision then I ask that you pass this ordinance affirming the Planning Commission's decision.

ORDINANCE NO. 60 – 2015 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Alright with that moving on item 14.

COUNCILMAN FOLTZ: We already voted.

COUNCIL PRESIDENT PETERS: Yep, okay, may I have a motion and a second to read by title only the first reading of Ordinance No. 61 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 61 – 2015.

14. Ordinance No. 61 – 2015

Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Regional Income Tax Agency (“RITA”) for the administration of City income tax laws and the collection of City income tax.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith?

COUNCILMAN GRIFFITH: We had a very good presentation I thought from the RITA folks last week. Karen was proactive this week and or late last week and scheduled a visit up there so several of us are going to go on October 29th I think in a few weeks here to visit their headquarters up in Independence. Is it in Independence? Brecksville, Brecksville. Yeah, up there, up there and see what’s going on there. But we’ve had a chance to review the materials I’ve had a chance to speak with most of the people here with the mayor and everybody involved and a number of folks from the outside. And I think this is worth moving on, one of the reasons that we want to move on it more quickly other than just you know it makes sense and we want to move forward is that we want to get in the hopper so that we can start get transitioned. So as clarification when everybody files their taxes this coming year for 2015 we’ll still be under the old system. We’ll do it the way that we always have and then it will probably be mid-summer that we will transition. So it won’t be people in the city won’t really see a change until we’re in April of 2017 when they’ll be filing for 2016. So but in order to get that done we need to start moving now. So were there any other questions or concerns or thoughts? Dom, sure?

COUNCILMAN FONTE: Okay, I was just curious about the commitment you know he was saying he’d like to see a minimum of three year commitment. And I always know that you know a three year commitment is there a reason it has to be three? Can it be like a year, two years?

COUNCILMAN GRIFFITH: There is not. The contract is a one year contract; his request was that we kind of informally say we’re going to give it for three years. But the contract is a one year obligation that’s correct.

COUNCILMAN FONTE: Yeah, so that we keep them on their toes.

COUNCILMAN GRIFFITH: Correct, yeah, in fact we will it seems standard that the contracts are one year contracts. So...

COUNCILMAN FONTE: He said he wanted a three year contract that’s why I’m just questioning.

COUNCILMAN GRIFFITH: He was when he said a three year commitment he was saying that it was good and wise for municipalities to give the process three years to kind of get up and running. That if there was an issue or difficulties in the first 12 months with transition that that wasn’t a reason to stop and walk away. But to be clear it’s a one year transition. So and we do think that it’s just going to be a very much a revenue positive thing for us. Absolutely.

COUNCILWOMAN WERREN: I appreciated Karen you reached out to some other groups and got more information and that was helpful. So thank you. And Dan great job initiating between both of you.

COUNCILMAN GRIFFITH: Well I give a lot of credit yeah I give a lot credit to the folks in the office they’ve done a really good job and Gayle has done a great job too. So very good. Any other questions?

LAW DIRECTOR FOX: Just a reminder that I had spoken with the finance director and when we get to a point where we’re turning it over and no longer having a position here that it’s one of those things it’s a union position and so we’ll need to notify the union 60 days in advance of that issue. And I know its approximately May when we’re talking about the transition but however long we’re going to have that position we’ll forecast that out and make sure we give proper notice.

COUNCILMAN GRIFFITH: duly noted, duly noted. Any other thoughts then I will move its approval.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 61 – 2015.

ORDINANCE NO. 61 – 2015 WAS GIVEN FRIST READING.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title the first reading of Ordinance No.

62 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 62 – 2015.

15. Ordinance No. 62 – 2015

Finance and Property Committee

An ordinance to amend Chapter 191, Income Tax, of the Codified Ordinances of the City of North Canton regarding municipal income tax.

COUNCIL PRESIDENT PETERS: Okay, may I have a motion and a second to read by title the first reading of Resolution No. 3 – 2015?

COUNCILMAN GRIFFITH: I'm laughing because the last Ordinance No. 61 and 62 – 2015 are have brief and undistinguished titles and yet by adopting them we're going to change the landscape of how we're doing income taxes in the city with one important change and that is we're not raising anybody's taxes. So that's important to note for everybody out there too. But this amendment to 62 – 2015 is the amendment that will add the new provisions with House Bill 5 or I'm sorry SB5 that changes the way that we do things too. So this is the work that we've done with the consultant to put the new provisions that allow us to be in compliance. I did have a technical question relative to we're listing this as an amendment to 191 but we're adding the 192?

LAW DIRECTOR FOX: I believe that was the suggestion that you're amending 191 and that you're providing that it's going to be its not replaced it's phased out over a period of time and the new what will be the codified as far as numbering will be 192.

COUNCILMAN GRIFFITH: Right, so yes because we'll continue to have a 191 (right) and then we will also now have a Chapter 192 which we don't currently have it doesn't exist.

LAW DIRECTOR FOX: And we'll make that very clear when we go through the codification process 191 stays in effect it phases out over a period of time and we'll be using 192. For a while we'll be using both.

COUNCILMAN GRIFFITH: Right, for a five year period, right. Does anyone have any questions about adjustments there? Okay, if there aren't any other then I would move its adoption.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 62 – 2015.

ORDINANCE NO. 62 – 2015 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title the first reading of Resolution No. 3 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Resolution No. 3 – 2015.

16. Resolution No. 3 – 2015

Finance and Property Committee

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith?

COUNCILMAN GRIFFITH: This is again an administrative act that we do every year where we certify to the auditor that these are in fact the taxes that have been approved and already on the ballot. It's kind of a double check in some ways too, but again no changes here no additional taxes that have been levied merely the ones that we've had before. So this is in effect a certification for the auditor. Other questions about that? Seeing none I would move its adoption.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the first reading of Resolution No. 3 – 2015.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to suspend the rules of council for three readings for Resolution No. 3 – 2015.

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of council for three readings for Resolution No. 3 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Resolution No. 3 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt under suspension of the rules for Resolution No. 3 – 2015.

RESOLUTION NO. 3 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCILMAN GRIFFITH: We should note I'm sorry just to note that the reason we did that was because these certifications are due right away. So just to add that to the record I'm sorry, Jeff.

COUNCIL PRESIDENT PETERS: No, not a problem. All set? Okay, may I have a motion and a second to read by title only the first reading of Resolution No. 4 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Resolution No. 4 – 2015.

17. Resolution No. 4 – 2015 Community and Economic Development Committee

A resolution expressing the Mayor and the Council of the City of North Canton's opposition to Issue 3, Proposed State Constitutional Amendment, which if passed by a majority of voters on the November 3, 2015 general election ballot, shall amend the Constitution of the State of Ohio, thereby granting a monopoly for the commercial production of marijuana and permit the retail sale of recreation marijuana at approximately 1,100 locations statewide.

COUNCIL PRESIDENT PETERS: Thank you. Chairwoman Kiesling?

COUNCILWOMAN KIESLING: Yes, I think this pretty self-explanatory. We're going on record stating that we're not for Issue 3. Any questions? Okay, I motion we adopt.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the first reading of Resolution No. 4 – 2015.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to suspend the rules of council for three readings for Resolution No. 4 – 2015?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to suspend the rules of council for three readings for Resolution No. 4 – 2015.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension the rules Resolution No. 4 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adopt under suspension of the rules Resolution No. 4 – 2015.

RESOLUTION NO. 4 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

18. Reports – Council:

COUNCIL PRESIDENT PETERS: Thank you very much. Reports, Member Fonte?

COUNCILMAN FONTE: I wanted to say everybody thanks for your input today and as far as Melanie goes your rental concerns I've been in real estate business an awful long time. I have big ideas on how I think we can resolve some of those problems and I'd be more than happy to talk with you or anybody on council in regards to how to resolve it. We don't always necessarily need more rules we just have to enforce the rules we have or figure out how to put more teeth into the rules that we already have. And I'd be more than happy to share that with you later.

COUNCIL PRESIDENT PETERS: Member Werren.

COUNCILWOMAN WERREN: From our last time we had a meeting Mr. Zablo as we know he did move on that. I think he was listening and heard our request and he did move on that and seeding took place and we'll continue to watch the pipes that's kind of on the one side too there seems to be a lot of them and must be with the sewer and stuff. So we'll continue to watch that. The other day it was kind of funny beside the deer crossing sign that we put up on Easthill there were five deer and they were right below the sign as if they were truly waiting. So I wanted it to be on one of those nights you know it was like on one of these TV shows but it was like they were reading it. So and Melanie I think you and I've talked about the rental issues before and Doug and I have talked about them. And I think you know where the City of Canton really lacks a lot of those people to enforce the laws. I think we have that person in place that has been doing a really good job with some of the other issues that we have in the city and maybe just some more time I think we can work with that. So...

COUNCIL PRESIDENT PETERS: Member Kiesling?

COUNCILWOMAN KIESLING: Yes, I on the whole rental issue I personally we have an ordinance in place and I know you guys have looked at before but enforcement is the main issue of that ordinance. I had a rental property and they enforced my rental property above and beyond. So I'm not sure it because I was an elected official and they felt they needed to follow the rules because I may say something if they didn't. But they do have a great... it is in place they came to my home four times to inspect. We had to put railings in, fire extinguishers, I mean you name it we had to make many improvements to our home and that was six years ago. So we do have something in place but I do feel I don't know that we have the staff for the enforcement. Because we also used our fire chiefs to come and inspect as well. So there is something in our code and they do do it but I'm just not sure how well and how often. So that's definitely something we need to look at.

COUNCIL PRESIDENT PETERS: Member Griffith?

COUNCILMAN GRIFFITH: A couple of items we're making good progress on our open checkbook piece and Karen, I don't know if you want to talk about that when it comes to you too. But I again thank Karen and her group about that's going to be a really, really nice piece. So we'll continue to make progress there. The budget process is also in progress so again as if you thought I was done bringing long and boring items for legislation here fear not my friends there's more to come. And we really have to talk about that too. So that's something we'll definitely look forward to as well. But looking forward to that as well. And as I mentioned we're going to visit RITA and I think we're making good progress there. As far as the rental registration is concerned I would echo these to but I'm also interested to see I've talked to a bunch of people about this over the last several weeks and one of the things that strikes me is that the rentals of single family houses have actually decreased because of the increase in the I'm not how to say this because the market is better so we have some rental properties on our street Woodrow that have transitioned to single family regular owner-occupied houses because the market has pushed you know kind of the secondary market out. So I think that's a very good thing and obviously ultimately economics is the solution to this if people want to live in our community because the properties are good. It's going to be too expensive for people to buy those second homes too. So I want to look at that too what's the trend in that respect. But I think it's very much worth a discussion. People are very concerned about it. So I would be happy to take action.

COUNCIL PRESIDENT PETERS: Okay, Member Cerreta?

COUNCILMAN CERRETA: Over the last two or three weeks I've got some folks down on the southwest side there by Glenwood have some remarks about that alert system that we put in down there. And how ugly it is by the road. So my question and I've told them I would check in why did we put that alert system right there by the road? Is there another place that can go rather than right there by that road there where everybody sees it? But I have several people say "what is that, oh yeah", you know but can we put that somewhere else?

COUNCIL PRESIDENT PETERS: The one that's attached to the bridge there?

COUNCILMAN CERRETA: Yeah, in fact it's the same way on Schneider too. I mean and since they told me that I go by it every day and I look at it I think eww. You know it's like Mr. Robot sitting there looking out. Now I'm all one to improve the aesthetics and next time we build a bridge I want to make stone bridges. But when we've got a little robot sitting on the corner there did anybody ever ask us where to put that or I mean it just seems that we need to start and I'm not saying pushing this to blame but when people want to do stuff like that to us we need to be able to look where we're going to put things before we approve that. That and the lines that they draw all over the sidewalks and all that other stuff. But what is there story on that? Can we move that somewhere else it is kind of an eyesore? Have you guys seen that at all?

COUNCILMAN FONTE: Yeah, I know exactly the solar panel hits the sun all day long and who knows and it's anchored to the side of the bridge.

COUNCILMAN CERRETA: Which it kind of makes everything look a little bit...

COUNCILMAN FONTE: Yeah, I mean it would be nice if it camouflaged back in there.

COUNCILMAN CERRETA: Can we just check on that? I mean I don't know where that came from but I've been getting a few calls on that and people they're comments weren't really what the comments we'd like to see driving on the side of the road on something... and I know it's a great thing to have. But if there's a way to just move downstream just a tad so we're not seeing right in front of the road. Have the rest of you seen that? Marcia, have you seen that?

COUNCILWOMAN KIESLING: Yes.

COUNCILMAN CERRETA: Okay.

ENGINEER BENEKOS: We can check with the U.S.G.S., on that but I believe it attaches to the bridge because the gauge extends down into the water from there. So it needs a structure to hold it up.

COUNCILMAN CERRETA: Okay.

ENGINEER BENEKOS: But we didn't check to see if there's some options there.

COUNCILMAN CERRETA: Yeah, let's do that I mean it's so I'm in favor of moving that thing because it just doesn't go with the aesthetics I believe that we really are aiming for. And of course it is something very important. So you know if they have to build something to put it down in there I would be all for that. Because that's going to be there for a very long time. So I'm just kind of after looking at it I was a little bit taken back why we didn't have the chance to put it somewhere else because I just think it just makes it look kind of...

COUNCILMAN FONTE: I think when we put in the sidewalks in over there we could fix that.

COUNCILMAN CERRETA: So we can talk about that, we can talk about. That's all I have. And I'm all for the rentals by the way we need to get that out there.

COUNCILMAN FOLTZ: Well, another question on that water device we'll call it for Zimber ditch. Is it because it's in road right-of-way that we maintain? Is that probably the secondary criteria you know the structure holding up is one, I don't think you can put it behind somebody's backyard that they own rights or maybe even some of the ditch area. So like you said aesthetically if we can do something else somewhere it's just so prominent right there at a gateway into our city. So...

DIRECTOR GRIMES: And you have ease of service too when they have to service it.

COUNCILMAN FOLTZ: Right so they show up and look at it or do modification on it. Melanie, I appreciate you coming up and talking about this as you know rental registration has been something I've been after and I know Melanie, Mariam, Ron Wooton and Alan Wells and I met probably three years ago discussed this with Eric Bowles numerous meetings probably 8 to 10 meetings about what we could do. And I say this knowing that 95% of our landlords that own rental property do a great job. I'm just going to come out and say that. It's the frustrating part of this is when you have some of them that you look at for 3 or 4 years that there's no real activity on. I did bring it to council and the law director didn't really have support to push it forward but I still think we owe it our community to either strengthen our existing housing code laws or enforcement more, have more inspectors to help Eric and like I said Eric has done a great job with these. But when you're limited with manpower I think there's only so much you can do anywhere. And we have a lot of talented employees that wear many hats and unfortunately when someone takes vacation or someone's reassigned to another situation in the city something's going to suffer. And the only way we're going to correct that is with more personnel. I think rental registration and a very nominal fee could we're not look to overtax the rental property owners could help hire inspector to look at not only rentals but also some private residents that need to clean up and do a better job. HUD homes, there's a variety of things going on in our community and Dominic I know you know a lot of them. We talked a long time after the one meeting and I think you do have some good ideas. But I don't have a problem with if we do something have a small registration fee, hire additional inspectors and then have a property maintenance person that's in charge of that property especially when they're out of town landlords. That's the biggest thing that we're facing. I think people that live in our community want to do a good job if they own that property are going to come and do a better job than somebody that's out of state, out of mind, just not in the area to look and see what the property looks like. I think those our frustrations. And I say this sincerely Eric's done a great job on Portage. There's rentals everywhere in our city as we know but there's some that we've been looking for numerous years and eventually some them get done it's a homerun. It's just the process I guess we're frustrated by it's the slowness of it, the tedious paperwork that's sent out and trying to call people, trying to evoke them to do something with the property and really you know coming short of tearing them down or large fines in Mayor's court that's what we're subject to deal with. I think we owe it to our community to look at this a little bit more to review it and see what other teeth we can put into our codes. Because it's not always the rentals there's some private owners that own property and I think everyone wants to do a good job but sometimes things fall through the cracks and listen then we have to enforce things. We all live in these neighborhoods and the integrity of

our neighborhoods, our the things that push our property values up, we all have a stake in this and sometimes we just have to take a stand as a community and I'd rather err on things being more not restrictive little bit more aggressive as far as housing codes and what you should be doing with your property than lax about it. That's always been my opinion especially when I see the same things year after year after year. And I'll repeat myself I'll say this again its not to attack the landlords in our community; we have some people that flip these homes, they come in and take a house and probably some substantial money in them and upgrade the entire street because they've turned the worse looking piece of property in the neighborhood into the best. And that's great, that's what I applaud, that's what I love. And there's a lot of people that still do that. Its turning but I still think we owe it to review it and see whatever positive things we can do. Thank you.

COUNCIL PRESIDENT PETERS: Melanie, I appreciate your comments as well. And it occurs to me all the comments we've heard tonight is in regard to enforcement and staffing. And two of the things we've talked about implementing RITA and the fixed based meter system are the money that we're going to save in staffing. You know I think we could move some of those jobs once these are implemented I mean we talked about 2 possibly 3, 4 positions move those positions over into permits and give Eric the tools and the resources to enforce the rules that we already have on the books. I'd be willing to look at the rules that we already have on the books as well and if there are any, anything that we feel is deficient or add more teeth I'd be willing to look at that well. But I think with these 2 programs we've talked about and open up some staffing positions I would have no problem moving that over. And that would be a wash that wouldn't add anymore to the budget and if everyone else would be willing to look at that that could be a good idea. So, thank you.

19. Reports:

COUNCIL PRESIDENT PETERS: Director of Law?

LAW DIRECTOR FOX: Yes sir, I read comments from candidates as well and one of the overriding themes because I think it's something that gets people's attention is that there was this statement that we're going to make assess to public records or the turnaround for providing those quicker or easier access. And I would place our policy and our performance up against any municipality. The number of public records that we turn around I think is quite high giving the size of our city. And the speed in which we turn these issues around I think matches up with anyone. I think the concerns that you hear is when a public record request is denied. And the frustration from that person from not understanding what is and is not a public record. And you have to put into perspective when someone makes a request for a public record to a say a clerk at a department and if that clerk you know certainly isn't going to be as adept if it's not their role to monitor the public records law and look to see how those things can change in a courts opinion. And you know for example if someone makes a request to someone in finance "I want this record" and if that clerk provides that record and in deed it's not a public record and it's actually a confidential information that you're not permitted to provide well then that employee may be liable. That may be liable to that person whose confidential information was released. That employee can be prosecuted and the laws are so harsh for releasing confidential personnel information that the city's entrusted with that the law provides that if an employee is convicted of that they not only face incarceration and fine and civil fines but that employee that has been convicted may never be hired again in a Ohio municipality or agency. So we take those, those issues quite seriously and even though we get a multitude of requests it's the ones I think that you hear about are the ones that are denied. And then those that say "I don't believe you" and recently we had to go through that process where the individual kept requesting the same record even though it was denied. That person went to the Attorney General's office asked for a mediation; the city say it didn't wish to mediate because it's actually in the Public Records Act that that record was not a public record. It was quite clear to us that we had no authority to release it. This person then took it to the State Auditor's office for this sunshine audit and the auditor's office contacted our administrator who let me know I worked with the auditor's office and we were required to submit a persuasive legal brief a memorandum demonstrating why we believe we did not have the legal authority in fact we're prohibited from providing those public records. Three weeks later the auditor's office contacted us in an email and said "yeah, you're absolutely right you can't turn that over there was no evidence that the city acted improperly and in violation of the Public Records Act." So I just wanted to get it out there for those that say they may not be turned over quite as quickly as they wish; we take those quite seriously, turn those over as quickly as we can. But we have to vet those things out we have to make sure we're not violating any certain law anyone's right to keep their information confidential and I believe that the majority of those that you hear are not turned around as quickly as they wish are actually ones that are rejected in which we deny those records. So that's all I have.

COUNCIL PRESIDENT PETERS: Thank you, Director of Finance.

FINANCE DIRECTOR ALGER: And as to the transparency I'm kind of piggybacking off of what the law director says and Dan Griffith the Ohio Checkbook website has is our website has been reviewed by state we will have to internally review it. We are on the second wave of groups so we won't see it until 3 to 6 weeks unfortunately but at least it's ready. So as soon as they pull the switch it's got to be ready. And second although Councilman Griffith kind of suggested my job is boring I won't take it personally but I do want to personally and publicly thank you Councilman Griffith for taking all the time with RITA, income tax and the checkbook, the Ohio Checkbook.

COUNCILMAN GRIFFITH: I don't think its boring Karen, I'm afraid other people do. I think it's fascinating.

COUNCIL PRESIDENT PETERS: Director of Administration.

DIRECTOR GRIMES: This time of year it's not boring because she bothers us all the time so on the budget. So... it's a little bit

of old news but we had not been officially notified you probably read it in the paper that Mike DeWine the Attorney General returned some funds back to cities that applied for it on the salt settlement. And we did get a check at the end of last week for \$25,782.77 so we just don't like to mention it until we actually have that in our hand. We have it and we actually thank the attorney general for doing what he said going after them and returning the money back. And pretty soon the leaves are going to start falling if they do you can put them out at the curb any time now we are picking up the leaves. If you need the bags just present your water bill down at the Mohler True Value on Portage Street and they'll give you free 25 bags so that we can keep the leaves out of the landfill.

COUNCIL PRESIDENT PETERS: You also get a coupon on next your purchase as well. Alright, engineer.

ENGINEER BENEKOS: Thank you, I just wanted to alert you on the State Route 43 project Market Street that ODOT is doing. They'll be submitting legislation here probably December maybe mid-December and they'll want it returned back to them fairly quickly. It's for our participation portion we have the funds in hand I'm working with Karen on that. So there'll be a funding portion for our improvements. We do have some our improvements are covered by a grant. But I just wanted to alert you that when that comes in I don't want you to be taken by surprise it might have to move through council fairly quickly. So...

COUNCIL PRESIDENT PETERS: Okay.

COUNCILMAN FOLTZ: As a follow-up any update on the paving program? When they're going to back out to finish up for the year?

ENGINEER BENEKOS: I didn't talk with them today...

COUNCILMAN FONTE: The grates too with that.

ENGINEER BENEKOS: The catch basins?

COUNCILMAN FONTE: Yes.

ENGINEER BENEKOS: The catch basins for the paving program but then also the catch basin program which is separate from that.

COUNCILMAN FOLTZ: Right.

ENGINEER BENEKOS: I'll check with them and let you know.

COUNCILMAN FOLTZ: Yeah, I know because we still have good weather but we really don't want to pave these roads in November if we can help it. And some of them are because we know we're still on from last year. So...

COUNCIL PRESIDENT PETERS: Yeah, Woodside is slated for spring, next year, Jim? (Correct) Alright.

ENGINEER BENEKOS: We're rebuilding that street.

COUNCIL PRESIDENT PETERS: That's going to be first on the list?

ENGINEER BENEKOS: Yep.

COUNCIL PRESIDENT PETERS: Alright, last but not least council clerk?

COUNCIL CLERK BAILEY: The only thing I have to report is that I will have a civil service meeting this Thursday to accept the final scores for the dispatch, accept the scores for the sergeant's exam and then we will have a promotional exam for a captain's test probably by the end of the year. And that's it. I held a Sergeant's promotional exam and 6 candidates tested for it. So that's it.

COUNCIL PRESIDENT PETERS: Very good. Final call to council seeing nothing I will entertain a motion to adjourn.

20. Final Call for New Business:

21. Adjourn:

COUNCIL PRESIDENT PETERS: Is there a motion to adjourn.

COUNCILMAN FOLTZ: Motion to adjourn.

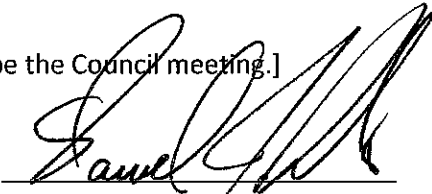
COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.

[Let the record reflect Charles Osborne set up a tripod and appeared to videotape the Council meeting.]


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT